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FREEDOM IN THE WORLD

- 1

22

Egypt

Egypt | Freedom in the World 2014

2014

STATUS CHANGE EXPLANATION:

Egypt's political rights rating declined from 5 to 6 and its status declined from Partly Free to Not Free due to the overthrow of elected president Mohamed Morsi in July, violent crackdowns on Islamist political groups and civil society, and the increased role of the military in the political process.

OVERVIEW:

Political support for President Mohamed Morsi waned during the first half of 2013, with critics alleging that he was more focused on consolidating power for himself and his Muslim Brotherhood-affiliated Freedom and Justice Party (FJP) than working to resolve Egypt's severe economic and governance problems. Morsi's June 2012 election had ended a period of military rule after the ouster of longtime authoritarian president Hosni Mubarak amid popular protests in February 2011. However, he had alienated many Egyptians in November 2012, when he claimed extensive executive powers in a decree that he defended as necessary to ensure the adoption of a new constitution in a chaotic political environment. Opponents denounced the decree as a blatant power grab and later criticized the resulting constitution as a highly problematic document written by an unrepresentative, overwhelmingly Islamist constituent assembly.

In the spring of 2013, a small group of activists calling themselves Tamarrod (Rebellion) began organizing a petition campaign, gathering signatures to demand the withdrawal of confidence from the Morsi government and early elections. The campaign climaxed in millions-strong demonstrations across the country on June 30, the anniversary of Morsi's inauguration.

The military intervened shortly after those protests began, first declaring a 48-hour window for Morsi to respond to popular demands. Military officers then detained him on July 3, suspending the constitution and installing an interim government led by Adli Mansour, chairman of the Supreme Constitutional Court. Under a plan outlined by Mansour, a new constitution was drafted by a small panel of jurists and revised by a 50-member committee that was far from demographically or

2014 SCORES

STATUS

Not Free

FREEDOM RATING
(1 = BEST, 7 = WORST)

5.5

CIVIL LIBERTIES
(1 = BEST, 7 = WORST)

5

POLITICAL RIGHTS
(1 = BEST, 7 = WORST)

6

politically representative, with only five women, four Copts, and one Islamist member. The panel undermined its transparency by conducting secret votes on a number of occasions. The draft was finalized and released to the public in early December, and was expected to be put up for a popular referendum in January 2014. The final document gave enhanced powers to the military, the judiciary, and the police, among other antidemocratic features.

Morsi supporters demonstrated continually against the interim government, and were met with harsh crackdowns by security forces that resulted in more than 1,000 deaths. The authorities methodically arrested and prosecuted Muslim Brotherhood leaders, and the courts ultimately outlawed the organization. Attacks on the Coptic Christian minority, a long-standing problem, increased dramatically after both the coup and related attacks on Islamist protesters, as many Islamists believed that the Coptic community was complicit in Morsi's overthrow and the repression of the Islamist community. Islamist militants also increasingly mounted attacks on police and military targets.

The military-backed government enjoyed high levels of popular support, though discontent among activists and revolutionary groups soon swelled, particularly after Mansour issued a law in November that gave police free rein to ban and disperse protests. By year's end the authorities had declared the Muslim Brotherhood a terrorist organization and were arresting both Morsi supporters and non-Islamist democracy activists who objected to the restoration of a Mubarak-style regime.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Political Rights: 9 / 40 (-7) [Key]

A. Electoral Process: 1 / 12 (-2)

Mubarak and his National Democratic Party (NDP) dominated the Egyptian political system from October 1981 until February 2011, when the president was deposed in a popular uprising. The Supreme Council of the Armed Forces (SCAF), a group of senior army officers, then took control, dissolving the NDP-controlled legislature and promising an orderly transition to civilian rule. The SCAF exercised executive powers until Morsi was elected president in June 2012. Observers of the election, the first genuinely competitive presidential contest in Egypt's history, reported that election-day conduct was generally consistent with international standards, but criticized a number of factors in the electoral process, including restrictions on election observers, violations of ballot secrecy, and the disqualification of several well-known candidates. Morsi led the first round on May 23–24, taking over 24 percent of the vote. Mubarak-era prime minister Ahmed Shafik placed second with roughly 23 percent. In the June 16–17 runoff, Morsi won the presidency with 51.7 percent of the vote.

Morsi exercised executive powers until his forcible removal on July 3, 2013. The military appointed an interim government, with Mansour as president and Hazem al-Beblawi as prime minister. Though the

government claimed to be civilian in nature, Mansour cited the July 3 declaration of the head of the armed forces, Abdel Fattah al-Sisi, as the source of his authority. In August the government appointed 19 generals to serve as provincial governors, and the military remained heavily involved in the political system throughout the year.

There was no legislative body in place in the second half of the year. The last elections for the People's Assembly, Egypt's lower house of parliament, were completed in January 2012, with nearly 70 percent of the new chamber held by Islamist parties that were illegal before Mubarak's ouster. The Democratic Alliance, led by the Muslim Brotherhood's FJP, won 235 of the 498 elected seats, and a bloc led by the Salafist party Al-Nour won 123 seats. A coalition of liberal parties, the Egyptian Bloc, won 34 seats, and the center-right Wafd party won 38. Several smaller groups took the remainder. Including the 10 members nominated by the SCAF in its role as de facto executive, there were just 10 women and 13 Coptic Christians in the new assembly. However, the chamber was dismissed in mid-June 2012, after the courts ruled various electoral laws unconstitutional.

The upper house, the Consultative Council, traditionally functioned solely in an advisory capacity. The president appointed 90 of its members, and 180 were directly elected. Elections for the council in early 2012 were marred by problems including low turnout, with less than 15 percent of eligible voters participating. The FJP's Democratic Alliance won about 60 percent of the elected seats, with a total of 105 seats. Al-Nour's bloc placed second with 45 seats, or 25.5 percent of elected spots, followed by Wafd with 14, the Egyptian Bloc with 8, and small parties and independents with the remainder. Morsi chose the chamber's appointed members in December of that year. In the absence of the People's Assembly, the upper chamber exercised legislative functions until it was dissolved following the July 2013 coup.

Under a plan laid out by the interim government, parliamentary and presidential elections would be held in 2014 after a referendum on the new constitution. However, the draft finalized in December would allow a six-month gap between the two elections, which could be held in either order, meaning a new president could serve without the check of a legislature for much of the year. The Supreme Electoral Commission was created in September 2013, and political parties began to organize and identify candidates in October. However, the ongoing political violence and repression, and the increasing likelihood that al-Sisi would run for president, left virtually no space for constructive political debate or other normal preelection activities, dimming the prospects for free and fair balloting.

B. Political Pluralism and Participation: 6 / 16 (-4)

The legal and electoral framework of the Mubarak era ensured the almost complete dominance of the NDP, and although a court ruling following Mubarak's ouster dissolved the party, many of its leading figures remained active in politics. The 2012 electoral victories of long-banned Islamist groups and the formation of several new parties across the political spectrum seemed to represent a dramatic shift toward political pluralism, but

this trend was reversed in 2013.

Following Morsi's ouster, the Muslim Brotherhood was once again banned—affecting both its political party, the FJP, and its larger structure as a nongovernmental organization—and its assets were seized. Members and supporters of the Brotherhood, including nearly all of its leadership and Morsi himself, were arrested en masse and later charged with a variety of offenses, including incitement of violence, violation of public order, the use of FJP headquarters as a weapons warehouse, and the use of live ammunition and violence against the public. At the end of December, the Muslim Brotherhood was declared a terrorist organization, effectively allowing the government to charge anyone participating in a Muslim Brotherhood demonstration with terrorism offenses. Morsi was held incommunicado for months before finally appearing at a trial hearing in November, at which he lambasted the new government and insisted that he was Egypt's legitimate president. Although his supporters continued to organize rallies and protests long after the coup, they repeatedly faced arrest and deadly police violence, including a single day of crackdowns on August 14 that killed an estimated 700 people at protest encampments. The draft constitution finalized in December 2013 banned parties based on religion, making it very unlikely that Islamists would be able to participate freely in the political system, with the possible exception of Al-Nour, which supported the military overthrow of Morsi and cooperated with the interim government.

The military has played an assertive role in the political process since ousting Morsi, using massive demonstrations by its supporters to bolster the legitimacy of its actions. Shortly before the August crackdown on pro-Morsi protesters, al-Sisi appealed directly to the Egyptian people for their backing in the military's battle against "violence and terrorism." Separately, video released in October showed senior members of the military discussing strategies to shape media coverage of their leadership.

C. Functioning of Government: 2 / 12 (-1)

Morsi's ouster and the dissolution of the Consultative Council in July 2013 left no elected officials in the executive or legislative branches. All subsequent legislation was enacted in the form of decrees by the military-backed interim government. Under the interim regime, as with the Mubarak, SCAF, and Morsi governments before it, there was very little transparency in government operations and budget making, and the military is notoriously opaque regarding its own extensive interests throughout the Egyptian economy. There was a civil society consultation process for the new draft constitution, though civic and opposition groups did not have a significant impact on the final document.

Corruption is pervasive at all levels of government. Egypt was ranked 114 out of 177 countries surveyed in Transparency International's 2013 Corruption Perceptions Index. Given the urgency of ongoing events and the general level of political crisis, many of the major corruption revelations and prosecutions of past years have faded from public attention, and there remain very weak mechanisms for investigating and punishing corrupt

behavior.

Civil Liberties: 22 / 60 (-3)

D. Freedom of Expression and Belief: 6 / 16 (-2)

Freedom of expression at first appeared to improve after Morsi took power, for example when he banned the pretrial detention of journalists in August 2012, but it soon became clear that Morsi was as hostile to critical media coverage as his predecessors. Physical attacks on journalists grew during Morsi's tenure, and a number were arrested on charges including "insulting the president." Among the best-known cases was that of Bassem Youssef, a television comedian who was arrested in March 2013 and charged with insulting Morsi and Islam. Those charges were eventually dropped. Youssef's show returned briefly in October 2013, but he soon faced a new investigation for criticizing the military leadership. The show's broadcaster, CBC, pulled it from the air on November 1.

While the media were already highly polarized before the coup, making unbiased information difficult to obtain, the authorities shut down three major Islamist television channels following Morsi's ouster and raided the Egyptian offices of Qatar's Al-Jazeera network, which was widely criticized for displaying a pro-Morsi slant. Similar repressive actions continued through the end of 2013. In September, the government took a number of television channels off the air; although some of them broadcast pro-Morsi views, at least one stridently opposed Morsi and supported the military. Police also raided the Cairo office of the Turkish broadcaster TRT, which the government accused of siding with Morsi, and the offices of the Muslim Brotherhood's party newspaper. Scores of journalists were arbitrarily detained by the interim government, including Ahmed Abu Deraa, a reporter for an Egyptian daily who was arrested in Sinai in early September. He was given a six-month suspended sentence by a military tribunal in October for "intentionally spreading false news about the military," having reported on the army's troubled campaign against Islamist militants in the region.

State media and most remaining private television stations reflect largely promilitary views, especially in their coverage of protests and related violence. Most private outlets embraced the government crackdown on Morsi supporters, including by adopting almost verbatim the government's defense of its actions. At least four journalists were killed during or after the August 14 raids on pro-Morsi sit-ins. Reporters and photographers, particularly those from foreign news outlets, were targeted during the operations. On December 29, police arrested four journalists from Al-Jazeera English on charges that they aired false news, were broadcasting illegally, and met with a terrorist group—the Muslim Brotherhood.

Censorship, both official and self-imposed, is widespread. A video leaked in October showed senior army leaders discussing the need for a reassertion of "red lines" on media criticism of the military, which they worried had been lost since the 2011 uprising. The officers complained that scrutiny of the government was not

“normal,” and encouraged al-Sisi to pressure media owners to self-censor their coverage of military affairs.

Islam is the state religion, and most Egyptians are Sunni Muslims. Coptic Christians form a substantial minority, and there are very small numbers of Jews, Shiite Muslims, and Baha'is. As in the 2012 constitution, the draft constitution completed in December 2013 would endow Christians with a right to their own personal status law.

Sectarian bloodshed has increased in recent years, with Christians typically bearing the brunt of the violence, and religious divisions became increasingly politicized following Morsi's fall from power. Many Morsi supporters believed that the Coptic community was in some way responsible for his overthrow, and attacked Copts and their property in retaliation. After the bloody August 14 dispersal of pro-Morsi sit-ins, Islamist mobs assaulted Christians and damaged or destroyed dozens of churches and businesses. Security forces reportedly failed to intervene.

Also in the period after the coup, many Muslims were caught up in the government's crackdown on the Brotherhood and its perceived supporters. Anyone whose appearance or dress suggested adherence to a conservative form of Islam was reportedly at risk of arrest or harassment. The government in September banned approximately 55,000 unlicensed imams from delivering sermons and required license applicants to receive training from Al-Azhar University or certification by another state-supervised institution. The move was designed to silence preachers whom the government considered extremist.

Academic freedom improved somewhat after the fall of Mubarak. University leaders were no longer appointed by the government, and a series of Mubarak-era education officials resigned. Universities were a center of pro-Morsi and antigovernment demonstrations following the July 2013 coup. A ban on political activity at universities did not dampen the considerable pro-Morsi demonstrations that sprouted up after the beginning of the new academic year. Confrontations, many of them violent, between students and security forces continued throughout the term. The authorities used excessive force in trying to disperse these protests, including in the shooting death of student Khaled al-Haddad at Al-Azhar University.

Freedom of private discussion has generally been quite high in recent years, including under the interim government. However, there is a danger that the escalating political polarization and the growing tendency of rival groups to engage in vigilante justice will increase the risks of this kind of speech.

E. Associational and Organizational Rights: 4 / 12 (-1)

Freedoms of assembly and association are restricted, but protests have been a key forum for political expression since the 2011 uprising. Protests frequently turn violent, and police are quick to crack down on demonstrators, often using excessive force.

Millions protested against the Morsi administration in the days prior to the July 2013 coup, and there were near-constant protests and sit-ins following Morsi's removal. Human rights groups have documented

authorities' use of live ammunition to disperse such demonstrations, including a July 27 attack that killed at least 80 people, the August 14 crackdown that killed some 700 protesters, and an assault in early October that left 53 dead. Supporters of the interim government accused the Islamists of carrying weapons to ostensibly peaceful rallies and instigating violence against their opponents. More than 105 police officers were killed in the August crackdown on Islamist protest camps.

A state of emergency and a related curfew that lasted from August to November gave police broad discretion to break up demonstrations and detain participants without regard to due process. In late November, the interim president signed a new law that permanently gives police great leeway to ban and forcibly disperse gatherings of 10 or more people. The law also prohibits all protests at places of worship and requires protest organizers to inform police at least three days in advance. Protests against the law were violently suppressed, with police assaulting, sexually abusing, and arresting dozens of non-Islamist liberal activists. Prominent activists such as Alaa Abdel-Fattah were rounded up over the subsequent week. Also that month, a group of 21 female Islamist protesters, including several juveniles, received long prison sentences on charges related to an October pro-Morsi demonstration. Following significant public outcry, an appeals court in December reduced the penalties to suspended sentences or probation.

Nongovernmental organizations (NGOs) are barred from receiving foreign grants without the approval of the Social Affairs Ministry, and the ministry is allowed to dissolve NGOs without a judicial order. The Mubarak regime watched NGOs closely, and government officials continued to harass them after Mubarak's fall. In December 2011, security forces raided the offices of 17 domestic and international civil society groups, confiscating equipment and temporarily detaining some staff. In January 2012, 43 NGO workers were indicted on charges of operating an organization and receiving funds from a foreign government without a license. All 43 were convicted in absentia in June 2013, receiving sentences ranging from suspended terms to five years in prison.

The labor movement made important advances during and after the 2011 uprising, as strikes played a significant role in increasing pressure on Mubarak to step down. Workers were granted the right to establish independent trade unions and formed an independent union federation, ending the long-standing monopoly of the state-allied federation. Labor activists criticized Morsi's November 2012 adoption of Decree No. 97, an amendment to the 1976 labor law that increased government control over unions. Such control was most evident in a provision setting a maximum age of 60 for board members of the historically state-dominated Egyptian Trade Union Federation (ETUF), which would lead to the dismissal of more than 160 of 524 members and allow the Morsi government to fill any vacancy for which there was no runner-up in the most recent election.

The labor movement continued to have difficult relations with the government after Morsi's ouster. In September 2013, the minister of manpower, Kamal Abu Eita, removed the leader and a number of Muslim Brotherhood-affiliated members of the ETUF board,

claiming that they did not support a new labor law the ministry had drafted. Abu Eita did not push back against two government crackdowns on strikes at the Suez Steel Company and the Scimitar Petroleum Company in August.

F. Rule of Law: 4 / 16

The Supreme Judicial Council, a supervisory body of senior judges, nominates and assigns most members of the judiciary. However, the Justice Ministry controls promotions and compensation, giving it undue influence over the courts. The judiciary was at the center of the political process following the removal of Morsi from power in July 2013. Supreme Constitutional Court chairman Adli Mansour served as interim president, and judges played a leading role in the drafting of the new constitution. The final draft released to the public in December enhanced the judiciary's autonomy, including by allowing it to receive its budget in a lump sum and permitting the Supreme Constitutional Court to appoint its own chief justice.

Military tribunals lack independence. Verdicts are based on little more than the testimony of security officers and informers, and are reviewed only by a body of military judges and the president. Charges brought in military courts are often vague and trumped up, according to human rights organizations. Activists have continually demanded an end to military trials of civilians, but these continued in 2013. Following the coup, a number of activists were tried in military courts. Like the 2012 constitution before it, the 2013 draft constitution left the matter of military trials of civilians to be regulated by legislation, and used such broad language to delineate the jurisdiction of military courts that they could take on virtually any case.

Police brutality and the near-complete impunity enjoyed by security forces were key catalysts for the 2011 protests that overthrew Mubarak, but there has been no effort at comprehensive security-sector reform in the years since, regardless of the regime in power. General prison conditions are very poor; inmates are subject to torture and other abuse, overcrowding, and a lack of sanitation and medical care. In a widely publicized incident in August 2013, a group of 36 people detained in the crackdown on Muslim Brotherhood protest camps died while in police custody.

Egypt was under a state of emergency from 1981 until May 31, 2012. Under the Emergency Law, "security" cases were usually referred to executive-controlled exceptional courts that denied defendants many constitutional protections. The Emergency Law empowered the government to tap telephones, intercept mail, conduct warrantless searches, and indefinitely detain suspects without charge if they were deemed a threat to national security. The military-backed government that unseated Morsi reinstated the state of emergency on August 14 as it violently broke up the camps of pro-Morsi demonstrators. The state of emergency was extended multiple times until November 12, when an administrative court ended it and lifted a related curfew.

G. Personal Autonomy and Individual Rights: 8 / 16

Egypt's past constitutions have typically limited women's rights to those compatible with Islamic law. The 2013 draft constitution represents a modest improvement, as it clearly affirms the equality of the sexes. The extent to which this results in practical improvements for women is not yet clear, as implementation will depend on future laws and court rulings.

Some existing laws and many traditional practices discriminate against women. Job discrimination is evident in the civil service. Muslim women are placed at a disadvantage by laws on divorce and other personal status issues. However, Christians are not subject to such provisions of Islamic law. Domestic violence is common, and sexual harassment on the street has drawn increased attention in recent years. Spousal rape is not illegal, and the penal code allows for leniency in so-called honor killings. Other problems include forced marriages, increases in human trafficking, and high rates of female genital cutting.

Violence against women has surfaced in new ways since Mubarak's ouster, particularly as women have participated in more demonstrations and faced increased levels of sexual violence in public. In the four days of protests leading up to the July 2013 coup, human rights groups documented at least 91 cases of sexual assault against women in Cairo's Tahrir Square. Security forces have also engaged in sexual abuse of female protesters and activists, including in November 2013 as they arrested those demonstrating against the new protest law.

There are few rights for the LGBT (lesbian, gay, bisexual, and transgender) community. Gay men especially have been jailed under laws against "moral depravity" and "violating the teachings of religion." In October 2013, 14 men were arrested at a medical center and accused of engaging in "indecent acts." Some familiar with the center said it was a common venue for men to solicit male prostitutes.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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